

REMARKS

Applicants respectfully request reconsideration and allowance.

In this third office action, all of the claims 1-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by newly-applied WO 97/22054 to Jensen. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Jensen does not teach all of the features recited in the claims.

Jensen describes a method of automatically recovering from multiple permanent failures of processors in a distributed processor system. An initial configuration is created that describes each processor and software objects executing on that processor. Each processor has a "catastrophe plan" to be followed if the processor fails. A catastrophe plan contains information as how to redistribute the software objects executing on the faulty processor to a properly operating processor. If a processor fails, its software objects are transferred to one or more operating processors following its catastrophe plan.

Regarding claim 1, Jensen does not disclose "determining one or more mobile radio subscriber unit connections." Nor does the Examiner explain his contention as to what specific elements in Jensen allegedly correspond to (1) mobile radio subscribers and (2) one or more mobile radio subscriber unit connections. Figure 3 relied on by the Examiner shows a network connecting processor boards but no mobile radio subscribers or mobile radio subscriber

connections. The software objects "installed on" the processor boards are also not mobile radio subscribers or mobile radio subscriber connections. Jensen explains that the software objects are contained in software modules and each object "typically comprises a process and persistent data." Page 8, line 34.

Jenson also fails to disclose "sending a message that identifies mobile radio subscriber connections affected by a detected failure in a node." The Examiner contends that the claimed message is disclosed at page 5, line 6-page 6, line 39. Applicants disagree. This text describes the catastrophe plan to be used in case a processor goes down. The "software objects installed on a faulty processor is [sic] distributed to generally several processors in the system." Page 5, lines 20-24. Where does the Examiner contend that Jensen discloses the claimed message? Indeed, Applicants are having trouble finding text describing the sending of any explicit message.

Where does Jensen describe a message that identifies an affected mobile radio subscriber unit connection? Jensen does not describe how the back up processors know which software objects to "create and start" from the failed processor (page 10, lines 19-23) other than to say that there is a "transfer" of software objects. But a transfer is not a message that identifies the software objects. More importantly, a software object simply cannot be reasonably equated with mobile radio subscriber unit connection.

Regarding claim 15, the Examiner again cites to the same Jensen passages referred to for claim 1. But these references do not describe sending "a message identifying the failed device to one or more other nodes" or "the one or more nodes releas[ing] radio subscriber unit connections associated with the identified failed device." Jensen also does not describe "connections are established between an external network and radio subscriber units by way of a radio access

network.” Where does Jensen describe “release[ing] radio subscriber unit connections associated with the identified failed device”?

Regarding claim 21, where are the claim radio units, the claimed radio access network that interfaces an external network and radio units, and the radio interface in Jensen? Jensen also lacks “a message to another of the nodes identifying one or more radio unit connections.”

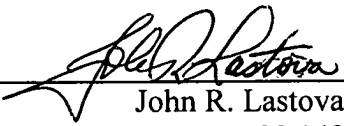
Analogous features from independent claims 34 and 43 are missing from Jensen. Nor does Jensen disclose the features of the dependent claims. Because there are multiple features of the rejected independent claims absent in Jensen, there is no need to specifically address the deficiencies of the dependent claim rejections. The Examiner’s attention is also directed to new dependent claims 46-50. Jensen does not describe radio access bearers.

The rejection should be withdrawn. The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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